



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of August 14, 2017

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#17-255 *People v. Douglas*, S242721. (F069667; nonpublished opinion; Kern County Superior Court; SC065430A.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending finality of the decision in *People v. Valencia* (2017) 3 Cal.5th 347.

#17-256 *People v. Hollowell*, S243084. (C080896; nonpublished opinion; Sacramento County Superior Court; 11F06405.) Petition for review after the Court of Appeal affirmed an order granting in part and denying in part a petition to recall sentence.

#17-257 *People v. Quintero*, S243024. (H043519; nonpublished opinion; San Benito County Superior Court; CR-11-01277.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-258 *People v. Vogelsang*, S243031. (C078855; nonpublished opinion; Placer County Superior Court; 62096408.) Petition for review after the Court of Appeal affirmed an order grant in part and denying a petition to recall sentence.

The court ordered briefing in *Hollowell*, *Peppler*, *Quintero*, and *Vogelsang* deferred pending decision in *People v. Valenzuela*, S232900 (#16-97), which presents the following issue: Is a defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court has reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

#17-259 *San Diegans for Open Government v. San Diego State University Research Foundation*, S242529. (D069189; 13 Cal.App.5th 76; San Diego County Superior Court; 37-2015-00011951-CU-MC-CTL.) Petition for review after the Court of Appeal affirmed an order granting a special motion to strike in a civil action. The court ordered

briefing deferred pending decision in *Wilson v. Cable News Network, Inc.*, S239686 (#17-83), which presents the following issue: In deciding whether an employee's claims for discrimination, retaliation, wrongful termination, and defamation arise from protected activity for purposes of a special motion to strike (Code of Civ. Proc., § 425.16), what is the relevance of an allegation that the employer acted with a discriminatory or retaliatory motive?

#17-260 *People v. Vantuinen*, S242432. (B261581; nonpublished opinion; Los Angeles County Superior Court; BA415000.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Gallardo*, S231260 (#16-38), which presents the following issue: Was the trial court's decision that defendant's prior conviction constituted a strike incompatible with *Descamps v. U.S.* (2013) 570 U.S. __ (133 S.Ct. 2276) because the trial court relied on judicial fact-finding beyond the elements of the actual prior conviction?

DISPOSITIONS

Review in the following cases, which were granted and held for *People v. Romanowski* (2017) 2 Cal.5th 903, was dismissed:

#16-109 <i>People v. Chilton</i>, S232753	(A144770; nonpublished opinion; Sonoma County Superior Court; SCR647720)
#16-203 <i>People v. Gonzalez</i>, S234270	(B266516; nonpublished opinion; Los Angeles County Superior Court; VA139815-01)
#16-275 <i>People v. Bazley</i>, S235497	(H041964; nonpublished opinion; Santa Clara County Superior Court; 114129, 114130)
#16-357 <i>People v. Hiroshige</i>, S237086	(B266499; nonpublished opinion; Los Angeles County Superior Court; PA083343)
#16-369 <i>People v. Martinez</i>, S237197	(B264206; nonpublished opinion; Los Angeles County Superior Court; LA067027)
#17-19 <i>People v. Garcia</i>, S238581	(B264655; nonpublished opinion; Los Angeles County Superior Court; GA075903)
#17-29 <i>People v. Adegbulugbe</i>, S238628	(B267482; nonpublished opinion; Los Angeles County Superior Court; VA136685)

The following cases were transferred for reconsideration in light of *People v. Romanowski* (2017) 2 Cal.5th 903:

#16-20 <i>People v. Cuen</i>, S231107	(G051368; 241 Cal.App.4th 1227, mod. 242 Cal.App.4th 415a; Orange County Superior Court; 14HF1375)
#16-21 <i>People v. Grayson</i>, S231757	(B262126; 241 Cal.App.4th 454; Los Angeles County Superior Court; NA099665)

#16-46 <i>People v. Sirman</i>, S231704	(B262302; Los Angeles County Superior Court; MA030244)
#16-61 <i>People v. Hernandez</i>, S231827	(E063492; nonpublished opinion; Riverside County Superior Court; SWF1400678)
#16-62 <i>People v. King</i>, S231888	(B261784; 242 Cal.App.4th 1312; Los Angeles County Superior Court; YA088292)
#16-81 <i>People v. Thompson</i>, S232212	(B261625; 243 Cal.App.4th 413; Los Angeles County Superior Court; KA095346)
#16-90 <i>People v. Vargas</i>, S232418	(D068097; nonpublished opinion; San Diego County Superior Court; SCN201093-2)
#16-145 <i>People v. Wright</i>, S233154	(E063340; nonpublished opinion; San Bernardino County Superior Court; FVI801695)
#16-166 <i>People v. Shorter</i>, S233177	(B263972; nonpublished opinion; Los Angeles County Superior Court; YA054743)
#16-175 <i>People v. Mejia</i>, S233345	(G051527; nonpublished opinion; Los Angeles County Superior Court; 96CF2994)
#16-176 <i>People v. Mora</i>, S233317	(E063905; nonpublished opinion; Riverside County Superior Court; INF1100811)
#16-187 <i>People v. Santamaria</i>, S233904	(D068307; nonpublished opinion; San Diego; SCD254710)
#16-204 <i>People v. Helm</i>, S233737	(A144595; nonpublished opinion; Marin County Superior Court; SC174724A)
#16-205 <i>People v. Hill</i>, S234180	(B262390; nonpublished opinion; Los Angeles County Superior Court; KA099731)
#16-223 <i>People v. Martinez</i>, S234418	(B262733; nonpublished opinion; Los Angeles County Superior Court; NA089993)
#16-290 <i>People v. McCutchan</i>, S235772	(G051920; nonpublished opinion; Orange County Superior Court; 14NF2366)
#16-291 <i>People v. Munoz</i>, S235776	(G051446; nonpublished opinion; Orange County Superior Court; 12NF1562)
#16-358 <i>People v. Rushing</i>, S237034	(B262944; nonpublished opinion; Los Angeles County Superior Court; MA055803)
#16-435 <i>People v. Lavis</i>, S237785	(B268553; nonpublished opinion; Los Angeles County Superior Court; LA075740)
#16-447 <i>People v. Nguyen</i>, S238410	(G051524; nonpublished opinion; Orange County Superior Court; 11WF1672)
#17-20 <i>People v. Lecou</i>, S238664	(G051781; nonpublished opinion; Orange County Superior Court; 13HF1295)
#17-63 <i>People v. Willis</i>, S239452	(G051940; nonpublished opinion; Orange County Superior Court; 10NF2940)
#17-122 <i>People v. Ochoa</i>, S240285	(B265361; nonpublished opinion; Los Angeles County Superior Court; GA095685)

The following cases were transferred for reconsideration in light of *People v. Gutierrez* (2017) 2 Cal.5th 1150:

#16-431 <i>People v. Aune</i>, S237808	(D068770; nonpublished opinion; San Diego County Superior Court; SCS275733)
#17-119 <i>People v. Dean</i>, S239560	(B258927; nonpublished opinion; Los Angeles County Superior Court; KA105038)
#17-160 <i>People v. Stearman</i>, S240209	(C075937, C076323; nonpublished opinion; Yolo County Superior Court; CRF132279)

STATUS

#16-397 *Hopkins v. Superior Court*, S237734. The court directed the parties to file supplemental letter briefs addressing the significance, if any, of the enactment of Senate Bill No. 725 (2017-2018 Reg. Sess.) in this matter.

***People v. Perez*, S104144.** The court requested supplemental briefing in this automatic appeal on the hearsay and confrontation clause issues related to Brian Peterson's testimony that were raised in this appeal. (See *People v. Sanchez* (2016) 63 Cal.4th 665; compare *Miller v. State* (Okla.Crim.App. 2013) 313 P.3d 934; *State v. Navarette* (N.M. 2013) 294 P.3d 435; *State v. Kennedy* (W.Va. 2012) 735 S.E.2d 905 with *Ackerman v. State* (Ind. 2016) 51 N.E.3d 171; *State v. Hutchison* (Tenn. 2015) 482 S.W.3d 893; *State v. Maxwell* (Ohio 2014) 9 N.E.3d 930; *State v. Medina* (Ariz. 2013) 306 P.3d 48; *People v. Leach* (Ill. 2012) 980 N.E.2d 570.)

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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.